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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	2:04-cr-0019 MCE
)	
Plaintiff,)	STIPULATION AND ORDER SETTING
)	TRIAL DATE AND EXCLUDING TIME
)	UNDER THE SPEEDY TRIAL ACT
v.)	
)	
RODNEY BUTLER,)	
)	
Defendant.)	
_____)	

On December 13, 2005, the parties appeared before the court on defendant's motion to suppress evidence. At that time, the court denied defendant's motion to suppress evidence, but the parties neglected to schedule a trial date. The parties now stipulate and agree that the trial of the captioned matter should commence on May 17, 2006 at 9:00 a.m with trial confirmation hearing set for April 18, 2006 at 11:00 a.m.

Trial schedules in other matters being handled by counsel for defendant does not permit a trial setting earlier than May 17, 2006.

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1 Therefore, the parties stipulate and request that time be excluded
2 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv), for
3 continuity of counsel and time for counsel to prepare (Local Code
4 T4) from December 13, 2005 through May 17, 2006.

5 McGREGOR W. SCOTT
6 United States Attorney


7 DATED: December 27, 2005

By /s/ Mary L. Grad
8 MARY L. GRAD
Assistant U.S. Attorney

9 /S/ David M. Dudley
10 DAVID M. DUDLEY
Counsel for Rodney Butler

11 IT IS SO ORDERED.
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13 DATED: December 29, 2005
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17 MORRISON C. ENGLAND, JR.
18 UNITED STATES DISTRICT JUDGE
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